

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
PEGASO DEVELOPMENT INC.,

Plaintiff,

-against-

MORIAH EDUCATION MANAGEMENT
LP AND MORIAH SOFTWARE
MANAGEMENT LP,

Defendants.

ANALISA TORRES, District Judge:

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19 Civ. 7787 (AT)

ORDER

On November 21, 2019, Plaintiff Pegaso Development Inc. filed a pre-motion letter seeking leave to file a motion to strike. ECF No. 29. On December 2, 2019, Defendants Moriah Education Management LP and Moriah Software Management LP filed a letter in opposition. ECF No. 30.

While the Court cannot prevent Plaintiffs from making a Rule 12(f) motion once the Answer is filed, Plaintiffs are reminded that “motions to strike are viewed with disfavor and infrequently granted.” *Harborview Value Masterfund, L.P. v. Freeline Sports, Inc.*, No. 11-CV-01638 (CM), 2012 WL 612358, at *16 (S.D.N.Y. Feb. 23, 2012); *see also Raymond Weil, S.A. v. Theron*, 585 F. Supp. 2d 473, 489-90 (S.D.N.Y. 2008) (as Judge McMahon colorfully explained, “There is nothing dumber than a motion to strike boilerplate affirmative defenses; it wastes the client’s money and the court’s time.”).

Packard v. City of New York, No. 15 Civ. 7130, 2018 WL 2229123, at *3 (S.D.N.Y. Apr. 30, 2018).

Accordingly, the parties are ordered to meet and confer. By **January 8, 2020**, the parties shall file a status letter indicating whether Plaintiff intends to proceed with its request to file a motion to strike.

SO ORDERED.

Dated: December 20, 2019
New York, New York



ANALISA TORRES
United States District Judge